

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

William Graham

v.

Civil No. 06-cv-453-JD

New Hampshire State Prison, Warden, et al.

REPORT AND RECOMMENDATION

Plaintiff moved for injunctive relief (document no. 15).
The motion was referred to me for a report and recommendation.

Discussion

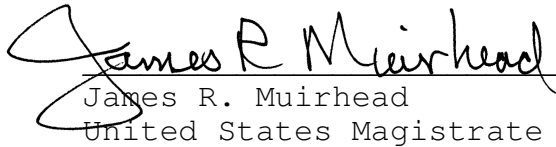
Plaintiff claims that defendants Sweeney and Conner assaulted him. He has provided no factual allegations and no affidavit to support this conclusory statement. He is ordered to supplement paragraph 1 with a detailed factual affidavit within ten (10) business days or I will recommend denial of this part of the motion.

The second allegation is that defendant Valente threatened to punch him. I recommend that the request be denied as to Valente. Even if proved the allegation is insufficient to permit the requested relief. Mere threats, without any physical injury does not invoke Constitutional Protection. See Doe v. Magnusson, 2005 WL 758454, at *15 (D. Me. 2005) (collecting cases); Ellis v.

Meade, 887 F. Supp. 324, 329 (D. Me. 1995); and Shabazz v. Cole, 69 F. Supp. 2d 177, 198-201 (D. Mass. 1999).

I recommend denial of the motion against Valente and defer recommendation as to Sweeney and Conner.

Any objections to this report and recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).


James R. Muirhead
United States Magistrate Judge

Date: April 4, 2007

cc: Laura E.B. Lombardi, Esq.
William Graham, pro se